

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

Lorrie Adams,		NOTICE OF DETERMINATION OF
	Complainant,	PRIMA FACIE VIOLATION
vs.		AND
Representative Bruce Anderson,		NOTICE OF AND ORDER FOR
	Respondent.	PROBABLE CAUSE HEARING

**TO: Lorrie Adams, [Street Address Redacted], Buffalo, MN 55313; and Representative Bruce Anderson, [Street Address Redacted], Buffalo, MN 55313.**

On October 13, 2008, Lorrie Adams filed a Campaign Complaint with the Office of Administrative Hearings alleging that Representative Bruce Anderson violated Minnesota Statutes §§ 211B.13, subd. 2, and 211B.15, subd. 11.<sup>1</sup> After reviewing the Complaint and attached exhibits, the undersigned Administrative Law Judge has determined that the Complaint sets forth a prima facie violation of only Minnesota Statutes § 211B.13, subd. 2. The alleged violation of Minn. Stat. § 211B.15, subd. 11 is dismissed.

**THEREFORE, IT IS ORDERED AND NOTICE IS GIVEN** that this matter is scheduled for a probable cause hearing to be held by telephone before the undersigned Administrative Law Judge at **11:00 a.m. on Friday , October 17, 2008**. The hearing will be held by call-in telephone conference. You must call: **1-888-566-4893** at that time. When the system asks for your numeric pass code, enter **"12001#"** on your phone and you will be connected to the conference. The probable cause hearing will be conducted pursuant to Minnesota Statutes § 211B.34. Information about the probable cause proceedings and copies of state statutes may be found online at [www.oah.state.mn.us](http://www.oah.state.mn.us) and [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us).

At the probable cause hearing all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if that choice is not otherwise prohibited as the unauthorized practice of law. In addition, the parties have the right to submit evidence, affidavits, documentation and argument for consideration by the Administrative Law Judge. Parties should provide to the Administrative Law Judge all evidence bearing on the case, with copies to the opposing party, before the telephone conference takes place. Documents may be emailed to Judge Mihalchick at [Steve.Mihalchick@state.mn.us](mailto:Steve.Mihalchick@state.mn.us) or faxed to 651-361-7936.

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<sup>1</sup> The Complaint identified Chapter "211B, subd. 2 and subd. 11" as the statute that has been violated. Based on the Complainant's description of the complaint, it is clear that the Complainant is alleging violations of Minn. Stat. §211B.13, subd. 2, and Minn. Stat. §211B.15, subd. 11.

At the conclusion of the probable cause hearing, the Administrative Law Judge will either: (1) dismiss the complaint based on a determination that the complaint is frivolous, or that there is no probable cause to believe that the violation of law alleged in the complaint has occurred; or (2) determine that there is probable cause to believe that the violation of law alleged in the complaint has occurred and refer the case to the Chief Administrative Law Judge for the scheduling of an evidentiary hearing. Evidentiary hearings are conducted pursuant to Minnesota Statutes § 211B.35. If the Administrative Law Judge dismisses the complaint, the complainant has the right to seek reconsideration of the decision on the record by the Chief Administrative Law Judge pursuant to Minnesota Statutes § 211B.34, subdivision 3.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange an accommodation, contact the Office of Administrative Hearings at P.O. Box 64620, St. Paul, MN 55164-0620, or call 651-361-7900 (voice) or 651-361-7878 (TDD).

Dated: October 14, 2008

/s/ Steve M. Mihalchick  
STEVE M. MIHALCHICK  
Administrative Law Judge

## **MEMORANDUM**

Respondent Bruce Anderson is the incumbent candidate for Minnesota House of Representatives District 19A. The Complaint alleges that Representative Anderson has posted campaign lawn signs promoting his re-election on multiple corporate properties. The Complaint alleges that by doing so, Representative Anderson has violated Minn. Stat. §§ 211B.13, subd. 2, and 211B.15, subd. 11.

Minn. Stat. § 211B.15 prohibits corporations from making contributions, directly or indirectly, to an individual to promote the individual's candidacy or election to political office. The Complainant alleges that by posting lawn signs on behalf of Representative Anderson's candidacy on their property, the corporations identified in the complaint have made illegal corporate contributions to Mr. Anderson. The complaint asserts that the value of the sign placements is significant. According to the complaint, the roads near which the signs have been placed are major state highways and the advertising value is considerable. The complaint estimates that billboard space on some of these highways sells for \$800-1,200 per month.

The Complaint alleges that by accepting these corporate contributions, Representative Anderson violated Minn. Stat. § 211B.13, subd. 2, which prohibits a person from knowingly accepting or receiving money or anything of monetary value that is a prohibited corporate disbursement under section 211B.15.

The Administrative Law Judge finds that the Complainant has alleged a prima facie violation of Minn. Stat. § 211B.13, subd. 2, as against Representative Anderson and this allegation will proceed to a probable cause hearing as scheduled by this Order.

The Complaint also alleges that Representative Anderson violated Minn. Stat. § 211B.15, subd. 11. This argument is unavailing for two reasons. First, subdivision 11 provides an exception to the general prohibition against corporate campaign contributions found at Minn. Stat. § 211B.15, subd. 2. It allows corporations to post messages on their premises that promote voter participation provided the messages are not controlled by or operated for the advantage of a particular candidate or political party. The statute is written in the negative, but it makes it clear that it is a violation for corporations to post messages that promote participation in elections if the messages are controlled by or operated for the advantage of a candidate. However, such conduct would be a violation of 211B.15, subdivision 2 (prohibited contributions), and not a violation of the exception found at subdivision 11. In addition, the prohibition against posting signs in favor of a particular candidate is directed at the corporations, not the candidates. Therefore, the complaint fails to allege a prima facie violation of Minn. Stat. § 211B.15, subd. 11, as against Representative Anderson and this allegation is dismissed.

S.M.M.